

Message Text

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PAGE 01 STATE 197776
ORIGIN EB-08

INFO OCT-01 ARA-14 ISO-00 XMB-04 L-03 COME-00 SIL-01
TRSE-00 AID-05 /036 R

XMB

DRAFTED BY XMB: D A HILLARD/PEP
APPROVED BY EB/IFD/ODF:MVCREEKMORE
XMB: G W BOGDANOFF
ARA/AND/P:ASCFULLER

-----113093 200408Z /23
R 191726Z AUG 77
FM SECSTATE WASHDC
TO AMEMBASSY LIMA

UNCLAS STATE 197776

E.O. 11652: N/A

TAGS:EFIN

SUBJECT:FCIA CLAIM NOS. M-646-X, M-647-X/MT-8343
FABRICACIONES METALICAS S.A. (FABRIMET)

REF: A) LIMA 6159 B) STATE 125806

1. IN RESPONSE TO REF A, EXIMBANK BELIEVES IT IMPORTANT
TO EMPHASIZE THAT EXIMBANK'S SOLE INTEREST IS IN BEING
REPAID BY EITHER FORMER OWNERS OF FABRIMET OR WORKERS.

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2. EXIMBANK HAS NO OBJECTION TO ISSUING POWER OF ATTORNEY
TO DR. MARTINEZ TO ENABLE HIM TO APPEAR BEFORE CIVIL COURT
JUDGE AND REQUEST REIMBURSEMENT OF FABRIMET DEBT TO EXIM-
BANK, PROVIDED THAT EXIMBANK IS ASSURED THAT SUCH
ACTION WILL NOT PREJUDICE ANY RIGHTS EXIMBANK MAY POSSESS
VIS-A-VIS WORKERS.

3. REQUEST EMBASSY ATTORNEY TO DISCUSS THIS ISSUE WITH
DR. MARTINEZ. IF IT IS OPINION OF BOTH EMBASSY ATTORNEY

AND DR. MARTINEZ THAT NO ADVERSE IMPACT WOULD BE FELT BY
EXIMBANK, THEN ADVISE DR. MARTINEZ THAT EXIMBANK WOULD BE
AGREEABLE TO ISSUING POWER OF ATTORNEY AND REQUEST THAT HE

TAKE ALL NECESSARY ACTIONS AND FORWARD ALL REQUIRED
DOCUMENTS TO EXIMBANK.

4. EMBASSY CONTINUING ASSISTANCE IS APPRECIATED. VANCE

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INFO OCT-01 ISO-00 /001 R

66011

DRAFTED BY:S/S-O:SGOLDSMITH
APPROVED BY:S/S-O:SGOLDSMITH

-----037119 141041Z /10

O 140959Z DEC 77 ZFF4
FM SECSTATE WASHDC
TO WHITE HOUSE IMMEDIATE

S E C R E T STATE 197776

NODIS
FOR BRZEZINSKI

FOLLOWING TELEGRAM FROM SECSTATE WASHDC DATED DECEMBER 14,
1977 SENT SEOUL INFO USDEL SECRETARY IS REPEATED TO YOU:
QUOTE

S E C R E T STATE 297776 TOSEC 120168

EXDIS DISTRIBUTE AS NODIS

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: TONGSUN PARK AFFAIR: NEGOTIATION OF JOINT
STATEMENT

REFS: (A) SEOUL 10474, (B) SEOUL 10475, (C) STATE 296610.

1. THIS MESSAGE RESPONDS TO THE JOINT STATEMENT TEXTUAL PROPOSALS MADE BY ROKG IN THE EVENING MEETING DECEMBER 13 IN SEOUL (REF A).

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2. IT NOW APPEARS THAT WE ARE AT FINAL STAGE OF RESOLVING TEXTUAL MATTERS REGARDING THE JOINT STATEMENT AND MUTUAL PROSECUTION ASSISTANCE AGREEMENT. WE THEREFORE LOOK FORWARD TO YOUR EARLY CONFIRMATION THAT THE OTHER PENDING MATTERS NOTED IN PARAGRAPH TWO OF REF L HAVE ALSO BEEN SATISFACTORILY CONCLUDED.

3. IT WOULD BE A GREAT MISTAKE TO AGREE TO ANY CONFIDENTIAL SIDE LETTER IN CONNECTION WITH THESE UNDERSTANDINGS. EVEN IF CAREFULLY WORDED, SUCH A SIDE LETTER WOULD QUICKLY BECOME THE FOCUS FOR CONGRESSIONAL CRITICISM OF THE ENTIRE PROCEEDING. EXPLAIN TO FOREIGN MINISTER THAT WE MUST ADDRESS THE DIFFICULT ISSUES IN THE MAIN DOCUMENT. IN OUR DRAFTING RESPONSE BELOW, WE HAVE TRIED TO OFFER A SOMEWHAT MORE RESPONSIVE COUNTER PROPOSAL TO PARAGRAPH 4.F. IT SHOULD BE CLEAR THAT DESPITE OUR DESIRE TO BE COOPERATIVE THERE ARE LIMITS BEYOND WHICH WE CANNOT MAKE COMMITMENTS.

4. FOLLOWING ARE SPECIFIC RESPONSES TO ROK PROPOSALS IN REF A, KEYED TO PARAGRAPH NUMBERING USED IN FULL TEXT AS TRANSMITTED IN REF C:

1. WE AGREE WITH SHIFT OF THIS PARAGRAPH TO BECOME NUMBER TWO AND ADDITION OF PROPOSED SHORT TITLE. ALSO AGREE TO SUBSTITUTION OF WORD "TESTIMONY" FOR "COOPERATION." LONGER DELETION NOT ACCEPTABLE.

2. AGREE TO SHIFT OF THIS PARAGRAPH TO BECOME NUMBER ONE AND ADDITION OF PROPOSED SHORT TITLE.

4.A. PROPOSED DELETION IS AGREEABLE. HOWEVER,
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WE WISH ALSO TO DELETE "THIS AGREEMENT" AND SUBSTITUTE "THESE ARRANGEMENTS." THIS IS CONSISTENT WITH OUR ATTEMPT THROUGHOUT TO AVOID CONFUSION OVER TECHNICAL TERM AGREEMENT AND WE SIMPLY MISSED THIS PHRASEOLOGY IN THIS PARAGRAPH DURING EARLIER REVIEW. USE OF WORD "ARRANGEMENTS" CONFORMS TO TITLE OF SECTION FOUR.

4.F. IF THERE ARE TO BE ANY MUTUAL UNDERSTANDINGS
ON THE SUBJECT OF THIS PARAGRAPH, WE WILL NEED TO
RETAIN IT IN THE OPEN JOINT STATEMENT AS NOTED IN
PARAGRAPH THREE ABOVE. FOLLOWING REVISED TEXT IS MAJOR

EFFORT TO OFFER YOU NEGOTIABLE FORMULA RETAINING
ESSENTIAL FORMULATION WE MUST RETAIN:

QUOTE: MR. TONGSUN PARK WOULD BE ADMITTED TO THE
UNITED STATES ONLY FOR LIMITED PERIODS RELATED
SPECIFICALLY TO HIS ANTICIPATED COURT APPEARANCES.
THE DEPARTMENT OF JUSTICE HAS NO INTENTION OF DETAINING
MR. PARK IN THE UNITED STATES. UNDER THESE ARRANGEMENTS,
THEREFORE, HE WOULD BE EXPECTED TO RETURN PROMPTLY TO
KOREA FOLLOWING EACH SUCH TRIAL. UNQUOTE.

4.D. ROKG OBJECTION TO OUR PROPOSED WORDING IN
THIS PARAGRAPH IS PUZZLING. WE CAN AGREE TO DELETION
OF THE WORD "CONTEMPLATED" IF THAT IS THE PROBLEM.
ALTERNATIVELY, THE PHRASE COULD READ: "BY REASON OF
THESE ARRANGEMENTS" TO CONFORM AGAIN TO THE NOUN USED
IN THE HEADING TO SECTION FOUR. EITHER OF THESE
ALTERNATIVES IS ACCEPTABLE, BUT WE CANNOT AGREE TO THE
KOREAN SUGGESTION.

5. PROPOSED CHANGE IN TITLE IS ACCEPTABLE.

5.A. WE FAIL TO SEE DIFFERENCE BETWEEN
"ACTIVELY TO ADVISE" AND "TO ACTIVELY ADVISE," AND YOU
SHOULD NOTE TO ROKG THAT IT IS GRAMMATICALLY BETTER
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FORM IN ENGLISH NOT TO SPLIT THE INFINITIVE AND WE
PREFER TO RETAIN AS IS, BUT IF THIS IS STICKING POINT
YOU MAY ACCEDE.

5.B. WE WERE SURPRISED THAT OUR PREVIOUS CON-
CESSION ON FINAL PART OF 5.B. WAS UNACCEPTABLE, AND
EMBASSY DID NOT REPORT ANY COMMENT ON REACTION TO
SUGGESTED FORMULATION. WE CONTINUE TO DISAGREE WITH
COMPLETE DELETION OF THIS FINAL THOUGHT. IN ORDER
TO REACH AGREEMENT, HOWEVER, WE ARE AGREEABLE TO
ELIMINATING NEGATIVE PHRASEOLOGY AND REPLACING IT WITH
POSITIVE STATEMENT AS FOLLOWS: QUOTE AND WILL TAKE ALL
NECESSARY AND PROPER STEPS TO FACILITATE HIS PRESENCE
IN THE UNITED STATES FOR THIS PURPOSE. UNQUOTE. THIS
SHOULD REMOVE ANY POSSIBLE TAIN OF MISTRUST FROM THE
STATEMENT WHILE STILL RETAINING AN AFFIRMATION
IMPORTANT TO US.

5. COMMENT: IN DEALING WITH FINAL ASPECTS OF THE JOINT STATEMENT TEXT, YOU SHOULD REVIEW CAREFULLY WITH THE FOREIGN MINISTER THE LIMITS OF WHAT WE CAN AND CANNOT PROMISE. DEPARTMENT OF JUSTICE HAS PROMISED TO URGE THE CONGRESSIONAL COMMITTEES NOT TO TAKE ACTIONS WHICH WOULD JEOPARDIZE THESE ARRANGEMENTS. WE HAVE ALSO DISCUSSED OTHER LEGAL STEPS AFFECTING TONGSUN PARK'S RIGHTS DURING HIS PRESENCE HERE FOR TESTIMONY. HOWEVER, IT MUST BE CLEAR THAT WE ARE NOT SPEAKING FOR OR COMMITTING THE CONGRESS. IN THIS CONNECTION, THE FINAL PARAGRAPH OF THE MPAA TRANSMITTED TO YOU EARLIER IS MOST IMPORTANT TO US.

6. WE HAVE WORKED HARD TO OFFER YOU FORMULATIONS WHICH CAN NOW BE ACCEPTED. HOPEFULLY THERE WILL BE NO
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FURTHER REFORMULATIONS SUGGESTED. DRAFT MPAA REVISIONS FOLLOW BY SEPT. CHRISTOPHER UNQUOTE
CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
Copy: SINGLE
Sent Date: 19-Aug-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Executive Order: N/A
Errors: n/a
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Film Number: D770301-0233
Format: TEL
From: STATE
Handling Restrictions:
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ISecure: 1
Legacy Key: link1977/newtext/t19770842/aaaabjrl.tel
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Litigation History:
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SAS ID: 1545218
Secure: OPEN
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Subject: FCIA CLAIM NOS. M-646-X, M-647-X/MT-8343 FABRICACIONES METALICAS S.A. (FABRIMET)
TAGS: EFIN, PE, XMB, FABRIMET
To: LIMA
Type: TE
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